

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

DICK ANTHONY HELLER, et al.,
Plaintiffs-Appellants,

v.

DISTRICT OF COLUMBIA; MAYOR ADRIAN M. FENTY,
Defendants-Appellees.

ON APPEAL FROM A JUDGMENT OF THE
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

**DISTRICT OF COLUMBIA’S CONSENT MOTION
FOR ELEVEN-DAY EXTENSION OF TIME TO FILE BRIEF**

The District of Columbia and Mayor Adrian M. Fenty (“the District”) move for an eleven-day extension of time for filing the brief for the appellees in this matter. The brief is currently due on August 23. An eleven-day extension of time would make the brief due on September 3. The reasons are:

1. This case is important. Appellants bring a Second Amendment challenge to the District’s gun laws, including the requirement that guns be registered and bans on certain defined “assault weapons” and “large capacity ammunition feeding devices.” Drafting the brief properly and coordinating with all those who need to

review it, including senior government officials, will take time, especially given that Second Amendment law after *District of Columbia v. Heller*, 128 S. Ct. 2783 (2008), is still in its nascency.

2. Counsel for appellants has consented to this motion. Granting a modest, eleven-day extension should not prejudice appellants, especially given that oral argument has not yet been scheduled.

3. The primary attorney working on this matter for the District of Columbia, who is the Solicitor General for the District of Columbia, has a number of other matters that have required and continue to require substantial attention. Among these, he is the primary attorney responding to a motion to recall the mandate in an important and complex matter, *Robertson v. Watson*, D.C. Court of Appeals Nos. 00-FM-925 & 04-FM-1269. The motion to recall was filed after the Supreme Court dismissed a writ of certiorari in the case as improvidently granted, following oral argument, with four Justices dissenting. *Robertson v. United States ex rel. Watson*, 130 S. Ct. 2184 (2010). The District's response to that motion is due on August 23, the same day as the current due date for the District's brief to this Court in this case. In addition, the Solicitor General continues to review draft substantive motions and briefs by attorneys he supervises in the Office of the Solicitor General.

For these reasons, the Court should extend the time for the District's brief to September 3, 2010.

Respectfully submitted,

PETER J. NICKLES
Attorney General for the District of Columbia

/s/ Todd S. Kim
TODD S. KIM
Solicitor General

Office of the Attorney General
441 4th Street, N.W., 6th Floor South
Washington, D.C. 20001
(202) 724-6609

CERTIFICATE OF SERVICE

I hereby certify that electronic copies of this motion were sent via Court's
CM/ECF system on August 3, 2010, to:

Stephen P. Halbrook
3925 Chain Bridge Road
Suite 403
Fairfax, VA 22030
protell@aol.com

Matthew Shors
O'Melveny & Myers LLP
1625 Eye Street, NW
Washington, DC 20006-4001
mshors@omm.com

William J. Olson
370 Maple Avenue West
Suite 4
Vienna, VA 22180-5615
wjo@mindspring.com

Paul R.Q. Wolfson
Wilmer Cutler Pickering Hale and Dorr LLP
1875 Pennsylvania Avenue, NW
Washington, DC 20006
paul.wolfson@wilmerhale.com

/s/ Todd S. Kim

TODD S. KIM
Solicitor General